

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 1225 A 131/A | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/CH2004/000154 | International filing date (day/month/year) 16.03.2004 | Priority date (day/month/year) 26.03.2003 |
| International Patent Classification (IPC) or national classification and IPC | | |
| Applicant MAETZKE, Thomas | | |

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|----|---|---|
| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | |
| 2. | This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. | |
| 3. | This report is also accompanied by ANNEXES, comprising: | |
| a. | <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: | |
| | <input checked="" type="checkbox"/> | sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). |
| | <input type="checkbox"/> | sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. |
| b. | <input type="checkbox"/> | (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) |
| | _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | |
| 4. | This report contains indications relating to the following items: | |
| | <input checked="" type="checkbox"/> | Box No. I Basis of the report |
| | <input type="checkbox"/> | Box No. II Priority |
| | <input type="checkbox"/> | Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| | <input type="checkbox"/> | Box No. IV Lack of unity of invention |
| | <input checked="" type="checkbox"/> | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| | <input type="checkbox"/> | Box No. VI Certain documents cited |
| | <input type="checkbox"/> | Box No. VII Certain defects in the international application |
| | <input type="checkbox"/> | Box No. VIII Certain observations on the international application |

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2004/000154

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-11 _____ received by this Authority on 23.08.2004 with the letter of 23.08.2004
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2004/000154

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | | YES |
| | Claims | 1-11 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-11 | NO |
| Industrial applicability (IA) | Claims | 1-11 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| Reference is made to the following document: | | | |
| D1: US-A-6 016 579 (ERBS HAROLD J) 25 January 2000 (2000-01-25) | | | |
| 1. Novelty and inventive step | | | |
| 1.1 Claim 1: D1 shows a work surface with a drainage channel and drainage grooves, which are provided in the region of the work surface and of the drainage channel (see figures 1-3). As is shown by figure 2, division into segments is provided to the left and to the right of as well as above and below the sink (114). The edge region is also provided with grooves, as shown in figure 2. Only the outermost edge has no grooves; this is not, however, indicated by the subject matter of claim 1 of the present application, since the term "edge" does not define where the edge begins and where it stops. The subject matter of claim 1 thus lacks novelty (PCT Article 33(2)). | | | |
| The applicant should note that the term laboratory | | | |

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

equipment can be considered to have a broad scope and that the device in D1 is intended as a laboratory bench. It is not important exactly what apparatus lies on the bench. Consequently, specification of the laboratory equipment that is used in the present application cannot establish an inventive step, since the use of drainage grooves for the specific piece of laboratory equipment does not result in any unexpected technical effect. Drainage grooves serve only to control the flow of a liquid to the drainage channel.

- 1.2 **Claims 2-11:** the subject matter of claims 1-11 does not contain any features which can be considered novel over D1 (PCT Article 33(2)).